

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FERNANDO GRAJALES,

Plaintiff,

-against-

CHRISTOPHER SNAGG, POLICE OFFICER,
IN INDIVIDUAL CAPACITY; LAMARR
BARNES, POLICE OFFICER, IN
INDIVIDUAL CAPACITY; NEW YORK
CITY; JOHN DOE, CAB DRIVER,

Defendants.

23-CV-1453 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action, under 42 U.S.C. § 1983, alleging false arrest and excessive force claims. By order dated February 24, 2023, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees. The Court dismisses the complaint for the following reasons.

Plaintiff has submitted to this court an identical complaint against Defendants alleging the same claims. That case is presently pending in this court under docket number ECF 1:23-CV-1422, 2. As this complaint raises the same claims, no useful purpose would be served by litigating this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff's pending case under docket number ECF 1:23-CV-1422, 2.

CONCLUSION

Plaintiff's complaint is dismissed as duplicative of ECF 1:23-CV-1422, 2.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf.*

Coppedge v. United States, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to enter judgment in this case.

SO ORDERED.

Dated: March 6, 2023
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge